

CHAPTER 126

LABOR AND INDUSTRY

HOUSE BILL 17-1021

BY REPRESENTATIVE(S) Danielson, Arndt, Becker K., Bridges, Buckner, Carver, Coleman, Esgar, Exum, Foote, Ginal, Gray, Hamner, Hansen, Herod, Hooton, Jackson, Kennedy, Kraft-Tharp, Lebsack, Lee, Lontine, Melton, Michaelson Jenet, Mitsch Bush, Pettersen, Rosenthal, Salazar, Singer, Valdez, Weissman, Winter, Young, Duran;
also SENATOR(S) Cooke, Donovan, Fenberg, Fields, Jones, Kefalas, Merrifield, Moreno, Todd, Zenzinger.

AN ACT

CONCERNING THE RELEASE OF INFORMATION BY THE DIVISION OF LABOR STANDARDS AND STATISTICS IN THE DEPARTMENT OF LABOR AND EMPLOYMENT CONCERNING AN EMPLOYER'S VIOLATION OF WAGE LAWS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 8-1-115, **amend** (1) as follows:

8-1-115. Information not public - penalty for divulging. (1) (a) The information contained in the reports lawfully required to be furnished by the employer in section 8-1-114, ~~such~~ information as ~~may be~~ furnished to the division by employers and employees in pursuance of ~~the provisions of this article~~ ARTICLE 1, and ~~such~~ information obtained through inspections or other proceedings ~~of UNDER this article which might reveal~~ ARTICLE 1 THAT REVEALS a trade secret ~~shall be~~ IS for the exclusive use and information of ~~said~~ THE division in the discharge of its official duties. AN EMPLOYER MAY DESIGNATE INFORMATION SUBMITTED TO THE DIVISION AS PROPRIETARY, A TRADE SECRET, OR PRIVILEGED INFORMATION IN ACCORDANCE WITH SECTION 24-72-204 (3), AS LONG AS THE DIRECTOR IS NOT BOUND BY THE EMPLOYER'S DESIGNATION. The director may treat and file the information or any part ~~thereof~~ OF THE INFORMATION as confidential, and, when so treated or filed by the director, the ~~same shall be considered to be~~ INFORMATION IS confidential, ~~information~~ for the sole use of the division, and ~~shall not be~~ open to the public nor TO be used in any court in any action or proceeding pending therein unless the division is a party to ~~such~~ THE action or proceeding. The court shall issue ~~such~~ orders as ~~may be~~ appropriate to protect the confidentiality of trade secrets. The information contained in ~~this~~ A report may be tabulated and published by the division in statistical form for the use and information of other state

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

departments and the public.

(b) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION, THE DIVISION SHALL TREAT ANY NOTICE OF CITATION OR NOTICE OF ASSESSMENT ISSUED TO AN EMPLOYER FOR VIOLATION OF A WAGE LAW, INCLUDING A VIOLATION OF SECTION 8-4-111 (2)(c), AFTER ALL REMEDIES HAVE BEEN EXHAUSTED PURSUANT TO SECTION 8-4-111.5, AS A PUBLIC RECORD AND SHALL RELEASE THE INFORMATION TO THE PUBLIC UPON REQUEST PURSUANT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, UNLESS THE DIRECTOR MAKES A DETERMINATION THAT THE INFORMATION IS A TRADE SECRET. BEFORE RELEASING ANY INFORMATION RELATING TO THE VIOLATION OF A WAGE LAW, THE DIRECTOR SHALL NOTIFY THE EMPLOYER OF THE POTENTIAL RELEASE OF THE INFORMATION. THE EMPLOYER THEN HAS TWENTY DAYS TO PROVIDE THE DIRECTOR WITH FURTHER DOCUMENTATION DEMONSTRATING THAT THE INFORMATION, OR SPECIFIC MATTERS INCLUDED IN THE INFORMATION, IS A TRADE SECRET. IF THE DIRECTOR, IN THE DIRECTOR'S DISCRETION, DETERMINES THAT THE INFORMATION, OR ANY PORTION OF THE INFORMATION, IS A TRADE SECRET, THE DIRECTOR SHALL TREAT THE INFORMATION AS CONFIDENTIAL UNDER THIS SUBSECTION (1). FOR PURPOSES OF THIS SUBSECTION (1)(b), "TRADE SECRET" HAS THE SAME MEANING AS SET FORTH IN SECTION 7-74-102 (4).

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 13, 2017